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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,068	03/11/2004	Maarten Koning	40101/09901	8452

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FAY KAPLUN & MARCIN, LLP  
150 BROADWAY, SUITE 702  
NEW YORK, NY 10038

EXAMINER
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PEIKARI, BEHZAD

ART UNIT	PAPER NUMBER
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2189

MAIL DATE	DELIVERY MODE
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10/04/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

mnv

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/800,068	KONING, MAARTEN	
	<b>Examiner</b>	<b>Art Unit</b>	
	B. James Peikari	2189	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 23-27 is/are pending in the application.
- 4a) Of the above claim(s) 23-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 11 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Drawings***

1. The previous objections to the drawings are withdrawn due to the amendment filed on July 20, 2007.

### ***Specification***

2. The previous objection to the specification is withdrawn due to the amendment filed on July 20, 2007.
3. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

### ***Claim Rejections - 35 USC § 101***

4. The previous rejection under 35 U.S.C. 101 is withdrawn due to the amendment filed on July 20, 2007.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-8 and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art (hereinafter AAPA; note pages 2-4 of the specification and Figure 1 of the drawings).

Applicant's admitted prior art teaches a computer system, comprising;

- (a) a memory space having a number of memory locations (*"the computing environment's execution 'space' (e.g., its memory)"; see page 1, lines 29-30*);
- (b) an operating system (*note Figure 1, element 2*) located within a system space, the system space corresponding to a first subset of the number of memory locations of the memory space (*note page 1, lines 30-31*);
- (c) a software module located within a user space (*note "the user space contains the code and data structures for user tasks" on page 1, line 31, to page 2, line 1*), the user space corresponding to a second subset of the number of memory locations of the memory space (*note page 1, line 30, and Figure 1*);
- (d) a plurality of operating system data structures located in the system space (*note "The system space generally contains the operating system tasks and data structures"; see page 1, lines 30-31*);
- (e) a system page located within the system space and corresponding to a portion of the first subset of the number of memory locations, the system page including a subset of the plurality of operating system data structures (*see below*);

(f) and a function (*note "the creation of tasks ('user tasks'), processes ('user processes') and other objects"; see page 1, lines 24-25*) located within the software module ;

(g) wherein the function may not be "linked" (*note Figure 1, connections 4*) to the first subset of the number of memory locations except for the subset of the plurality of operating system data structures (*note the restriction on access to the operating system data structures afforded by uni-directional connections 4 of Figure 1 and described in detail on page 2, lines 14-31*).

As for the use of a display to display the output of the software module to a user, the use of a display to provide the output of software programs to a user was abundantly well known at the time of the invention. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the use of a display the output of the software mentioned in (c) above, since this would have provided the user with an indication of desired results.

Applicant's admitted prior art does not specifically mention the use of a "system page" within the system space, however these were abundantly well known at the time of the invention as demonstrated by the Frank et al. system. It would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the use of the pages of Frank et al. into the system described by applicant's admitted prior art since pages were a well known and efficient means of configuring logical memory areas (especially when contiguous and page-aligned with given memory structures).

As for the use of a memory map, this was well known (note the mapping of the SSB in Frank et al.). As for the indicators of read-only accesses to the system page, note that "system calls" as described in applicant's admitted prior art were read-only. As for the use of a timer, this would be taught by a system clock, which was well known in any such data processing system. As for a pointer to a task, note connections 4 in Figure 1 of applicant's admitted prior art. As for the operating system being a real-time operating system, note page 4 of applicant's admitted prior art.

#### ***Allowable Subject Matter***

7. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

8. Applicant's comments attached to the amendment of July 20, 2007 have been carefully considered but are not deemed convincing. Applicant's comments regarding the features of claim 1 versus applicant's admitted prior art (AAPA) are not commensurate in scope with the language of the claims. In particular, there is no limitation for a user task to "directly access the instructions and data structures in the system space it wishes to access" and there is no limitation against employing "a special access procedure".

The current language "wherein the function may not be linked to the first subset of the number of memory locations except for the subset of the plurality of operating system data structures" does not include the above limitations. This current language is taught by applicant's admitted prior because, as shown by the uni-directional dashed lines 4, in Figure 1, the user processes are only able to access the operating system data structures.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Peikari whose telephone number is (571) 272-

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4185. The examiner is generally available between 7:00 am and 7:30 pm, EST, Monday through Wednesday, and between 5:30 am and 4:00 pm on Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Reginald Bragdon, can be reached at (571) 272-4204. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center at 866-217-9197 (toll-free).



B. James Peikari  
Primary Examiner  
Art Unit 2189  
9/28/07